

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 THIS DOCUMENT APPLIES TO
4 PLAINTIFF(S): JUANITA GRAHAM,
5 INDIVIDUALLY, AS WELL AS, AS THE
6 PERSONAL REPRESENTATIVE OF THE
7 ESTATE OF WILLIE GRAHAM,
8 DECEASED

9 Plaintiffs,

10 v.

11 [X] AMYLIN PHARMACEUTICALS, LLC,
12 [X] ELI LILLY AND COMPANY,
13 [] MERCK SHARP & DOME CORP.,
14 [] NOVO NORDISK INC.,

(Check all the above that apply)

15 Defendants

Pertains to Civil Action No.:

In Re: Incretin-Based Therapies
Product Liability Litigation

3:13-md-024520AJB-MDD

MDL NO. 2452

**SHORT FORM COMPLAINT
FOR DAMAGES**

16 **SHORT FORM COMPLAINT FOR DAMAGES**

17 COMES NOW, the Plaintiff(s) named herein, and for Complaint against the
18 Defendants named herein, incorporates and fully adopts the Master Form Complaint
19 (the "Master Complaint") in MDL No. 2452 by reference. Plaintiff(s) further shows
20 the Court as follows:

21 **JURISDICTION AND VENUE**

22 1. Jurisdiction in this Complaint is based on:

23 [X] Diversity of Citizenship

24 [] Other (As set forth below, the basis of any additional ground for
25 jurisdiction must be pleaded in sufficient detail as required by the applicable
26 Federal Rules of Civil Procedure):
27
28

1 2. District Court and Division in which you might have otherwise filed
2 absent the direct filing order entered by this Court: United States District Court
3 for the Middle District of Florida

4 3. Plaintiff(s) further adopts the allegations contained in the following
5 paragraphs of the Jurisdiction and Venue section of the Master Complaint:

6 [X] Paragraph 10;

7 [X] Paragraph 11;

8 [] Paragraph 12;

9 [X] Paragraph 13;

10 [X] Paragraph 14;

11 [X] Paragraph 15; and/or

12 [] Other allegations as to jurisdiction and venue (Plead in sufficient detail
13 in numbered paragraphs (numbered to begin with 3(a)) as required by the
14 applicable Federal Rules of Civil Procedure):

15
16 **PLAINTIFF/INJURED PARTY INFORMATION**

17 4. Injured/Deceased Party's Name: WILLIE GRAHAM (the "Injured Party").

18 5. Any injury (or injuries) suffered by the Injured Party in addition to
19 those injuries related to the Injured Party's Pancreatic Cancer, which is alleged to
20 have been caused by the drug(s) ingested as set forth below (put "None" if
21 applicable): METASTATIC LIVER CANCER ORIGINATING IN PRIMARY
22 PANCREATIC CANCER

23 6. Injured Party's spouse or other party making loss of consortium claim:
24 JUANITA GRAHAM

25 7. Other Plaintiff(s) and capacity, if Injured Party is deceased or otherwise
26 incapacitated (i.e., administrator, executor, guardian, representative, conservator,
27 successor in interest): JUANITA GRAHAM WAS OFFICIALLY APPOINTED
28 AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF HER LATE

HUSBAND, WILLIE GRAHAM, BY THE CIRCUIT COURT OF THE
THIRTEENTH JUDICIAL CIRCUIT IN AND FOR HILLSBOROUGH
COUNTY, FLORIDA, PROBATE DIVISION

8. City(ies) and State(s) of residence of Injured Party at time of ingestion of the Drug(s): PLANT CITY, FLORIDA

9. City and State of residence of Injured Party at time of pancreatic cancer diagnosis (if different from above): PLANT CITY, FLORIDA

10. City and State of residence of Injured Party at time of diagnosis of other Injury(ies) alleged in Paragraph 5 (if different from above): PLANT CITY, FLORIDA

11. If applicable, City and State of current residence of Injured Party (if different from above): N/A

12. If applicable, City and State of residence of Injured Party at time of death (if different from above): MOBILE, ALABAMA

13. If applicable, City and State of current residence of each Plaintiff, any Consortium and or other Plaintiff(s) (i.e., administrator, executor, representative, conservator, successor-in-interest): ELKRIDGE, MARYLAND

14. Check box(es) of product(s) (the "Drugs") for which you are making this Complaint:

☒ Byetta. Dates of use: 12/2010 – 1/2013

☐ Januvia. Dates of use: _____

☐ Janumet. Dates of use: _____

☐ Victoza. Dates of use: _____

15. Date of pancreatic cancer diagnosis: 2/5/2013

16. If applicable, date of other injuries alleged in Paragraph 5: 2/5/2013

17. If applicable, date of death: 2/20/2014

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